

## LEASING OPPORTUNITY

### Gateway National Recreation Area Mobile Food/Beverage and Beach Equipment Services at Sandy Hook



### REQUEST FOR BIDS

(Term: up to 5 years)

<b>RFB Release Date:</b> <b>February 15, 2017</b>	<b>Bid Submittal Deadline:</b> <b>March 17, 2017 1:00 PM EST</b>
<b>Site Tour:</b> <b>Upon Request</b>	<b>Anticipated Date for Selection of Qualified Bidder/s:</b> March 28, 2017
<b>Submit Questions To:</b> <a href="mailto:gateway_bmd@nps.gov">gateway_bmd@nps.gov</a>	<b>Anticipated Lease Commencement:</b> <b>On or before Memorial Day Weekend 2017</b>

## **A. The National Park Service and Gateway National Recreation Area**

### **1. The National Park Service and its Mission:**

America's National Park Service was created by Congress to "conserve the scenery and the natural and historic objects and the wildlife therein, and to provide for the enjoyment of the same in such a manner and by such means as will leave them unimpaired for the enjoyment of future generations."

Additionally, Congress declared the National Park System should be, "...preserved and managed for the benefit and inspiration of all the people of the United States." The National Park Service (NPS) has as its overall mission the preservation and public enjoyment of significant aspects of the nation's natural and cultural heritage.

**54 U.S.C. 102102** (formerly 16 U.S.C. 1a-2(k) allows the NPS to lease certain federally owned or administered property located within the boundaries of park areas. The leasing process is regulated pursuant to **36 CFR 18**.

To learn more about the NPS, visit our website at [www.nps.gov](http://www.nps.gov). This site includes information about who we are, our mission, NPS policies, and individual parks.

### **2. Gateway National Recreation Area:**

Gateway National Recreation Area (Gateway) was established in 1972 as the nation's first urban National Park. Gateway is comprised of three park Units in two states - the Jamaica Bay and Staten Island Units in New York, and the Sandy Hook Unit in New Jersey. The facilities offered in this Request for Bid (RFB) are located in the Sandy Hook beach plazas.

### **3. Sandy Hook Unit:**

Sandy Hook is located at the northern end of the New Jersey shore, accessible via Route 36 in Monmouth County. Sandy Hook is situated at the southern entrance of Lower New York Bay. The approximate 7-mile stretch of spectacular ocean and bay waters make Sandy Hook a favorite Jersey Shore getaway for Garden State residents and others. Manhattanites also enjoy Sandy Hook beaches and recreation due to the convenience of a 45-minute ferry ride from the Wall Street area to the Fort Hancock Historic Post at Sandy Hook, at which large scale revitalization efforts are underway. More information about Fort Hancock can be found here [www.nps.gov/gate](http://www.nps.gov/gate). For additional leasing opportunities please visit <https://forthancock21.org>.

In 2016, Sandy Hook was a destination for over 2,622,896 visitors. Historic annual visitation figures are public and available to review here <https://irma.nps.gov/Stats/Reports/Park>. Sandy hook offers additional special events throughout the season. The Sandy Hook Wednesday Night Concert series is a free weekly event featuring live entertainment hosted by the Sandy Hook Foundation. There are several other special permitted events such as marathons, bike races, and cooperator run events throughout the

season. Standard amenities at beach locations include public bathrooms, showers, and vending machines.

In October 2012, Superstorm Sandy devastated the region and the Sandy Hook area suffered some of the most severe damage. Water engulfed properties and destroyed homes and other structures, and caused significant damage to a number of NPS buildings. Due to the significant damage to permanent structures and desire to provide a resilient approach to visitor services, the NPS is seeking to utilize mobile or movable operations.

**B. Request for Bid Summary**

This Request for Bids (RFB) provides the opportunity for interested individuals and organizations to submit bids to the NPS to lease cement pads at Sandy Hook beach centers (also identified as beach plazas) under the general terms and conditions contained herein. See the attached “Offered Lease” for terms of use and occupancy. The final lease negotiated between NPS and the Selected Applicants cannot differ materially from the terms of this RFB.

Site visits can be scheduled by appointment only through the Business Management Division at Gateway National Recreation Area by emailing [gateway\\_bmd@nps.gov](mailto:gateway_bmd@nps.gov).

**1. Property Offered for Lease:**

The facilities for lease are located in the Sandy Hook Unit of Gateway National Recreation Area. The premises include concrete pads at multiple locations. Some of the sites may have water hook ups; however there is no drainage and Lessees will be responsible for disposing of gray and wastewater offsite and in accordance with NPS policy. Electricity may be available at specific sites. Lessees will be billed directly in connection with their use and are responsible for paying costs of same. Lessees may provide a lock to their assigned or corresponding meter. In the event electricity is not provided, gas and propane generators may be permitted. See Table A - for additional details.

**2. Uses of the Leased Property:**

The Offered Lease will authorize use and occupancy of government land and facilities in connection with the sale of food/beverage/convenience items and beach equipment rental. The sale of alcohol is PROHIBITED at all locations.

***Bidders are advised that buildings at Areas D, G, and I may be offered for lease at any time during the next five years.***

The following types of services will be considered:

Service Type	Examples:
Food items - American Fare	This may include a variety of hot and cold foods including but not limited to, breakfast items, hot dogs, pizza, hamburgers, sandwiches, barbeque, potato chips.
Food Items - Ethnic Fare	This may include variety of hot and cold foods including but not limited to tacos, empanadas, Chinese, Greek, or Polish cuisine.
Desserts	This may include a variety of sweet items, including but not limited to, ice cream, candy, and pastries.
Beach Equipment and Convenience Items/Sundries	This may include beach chairs, umbrellas, and sundry items such as sunscreen, sunblock, flip-flops, hats, sunglasses, small pre-packaged snacks, etc.  Surfboards and paddleboards are prohibited.

*\*Where there are opportunities for multiple types of food vendors, NPS will only accept the highest bid for each type of fare at any given location. This means NPS will only accept one pizza vendor at Area D, for example, if more than one pizza vendor submits a proposal. In the event more than one vendor applies for the opportunity to sell the same type of food/fare, NPS will make a selection based on highest bid.*

Public vending machines containing beverages are available at Areas B, C, D, E, G, and I.

Selected Applicants must comply with FDA Food Code which can be found at:

<http://www.fda.gov/downloads/Food/GuidanceRegulation/RetailFoodProtection/FoodCode/UCM374510.pdf>

There may be an option for successful bidders to lease additional land for storage purposes at Beach Areas E (4 spots), I (2 spots), and G (3 spots) based on highest bid. In the event there are matching bids and demand from successful bidders exceeds capacity, storage areas will be awarded by lottery drawing from among bids of equal value. Such areas are available for an **additional minimum fee of \$500** per season, for every season during which the Lease is in effect. Use of such areas is limited to use of storage space for containers, conex boxes, or refrigeration units to be supplied by the Lessee, not to exceed 10' x 10', required to support a corresponding mobile operation. Electric service is available in connection with same. Such containers or conex boxes are for storage purposes ONLY. Storage containers or boxes may be installed no sooner than May 10 and of each year during which the

corresponding Lease is in effect and must be removed by October 15 of each year during which the corresponding Lease is in effect.

*Successful bidders may be authorized to provide mobile food and beverage services at alternate locations in connection with Special Events taking place in the Sandy Hook Unit. Written authorization to operate at Special Events and the assignment of corresponding locations, if any, is at the sole discretion of NPS. Revenue generated in connection with same must be included as part of Gross Receipts.*

All Premises shall be subject to the general supervision and inspection of the NPS and to such rules and regulations regarding ingress, egress, safety, sanitation, and security, as may be prescribed by the Park Superintendent from time to time. The Lessee shall be responsible for the maintenance and repair of the Premises and any improvements to the Premises that may be necessary during the term of the Offered Lease. The Lessee must be aware the facility is located in a public space.

**Minimum Operating Hours, Service Type by Location and Minimum Bid per Location:**

The Superintendent reserves the right to adjust hours of operation as deemed necessary.

The minimum operating schedule and types of food sought for each location is described in Table A below. Lessees are required to provide services from the Friday before Memorial Day through Labor Day of each year during which their Lease is in effect. Lessees are required to provide services on Saturdays, Sundays, and Holidays at all locations.

**TABLE A**

*\* Bidders are encouraged to inspect site locations prior to submitting bids to ensure the size of the location is adequate for their needs.*

Area	Minimum Operating Days	Minimum Operating Hours	Utilities Available	Land Area	Menu Offerings	Minimum Bid
B1	Weekends and Holidays	9:30 a.m. to 3:00 p.m.	None- Propane or Gas Powered Generator may be allowed	10' x 49' Cart or small trailer to be located under or outside the trellis. Public seating/tables are provided by NPS.	Any Menu Choice	\$4,500 per season
C1	Weekends and Holidays	9:30 a.m. to 3:00 p.m.	None - Propane or Gas Powered Generator may be allowed	10' x 20' Cart (no trailers) to be located under the trellis. Public seating/tables are	Any Menu Choice	\$4,500 per season

Area	Minimum Operating Days	Minimum Operating Hours	Utilities Available	Land Area	Menu Offerings	Minimum Bid
				provided by NPS.		
D1	Daily (July 4th weekend through Labor Day weekend)	9:30 a.m. to 3:00 p.m.	None Currently - Propane or Gas Powered Generators may be allowed until utilities are available	12' x 20'	Dessert	Base: \$6,000 per season plus 10% of total gross receipts.
			Utilities must be used once available.			Once utilities are available, Base: \$6,600 per season plus 10% of total gross receipts.
D2	Daily (July 4th weekend through Labor Day weekend)	9:30 a.m. to 3:00 p.m.	None Currently - Propane or Gas Powered Generators may be allowed until utilities are available.	15' x 20'	American	Base: \$6,000 per season plus 10% of total gross receipts.
			Utilities must be used once available.			Once utilities are available, Base: \$6,600 per season plus 10% of total gross receipts.
D3	Daily (July 4th	9:30 a.m. to 3:00	None Currently - Propane or	10' x 25'	Ethnic	Base: \$6,000 per

Area	Minimum Operating Days	Minimum Operating Hours	Utilities Available	Land Area	Menu Offerings	Minimum Bid
	weekend through Labor Day weekend)	p.m.	Gas Powered Generators may be allowed until utilities are available.			season plus 10% of total gross receipts.
			Utilities must be used once available.			Once utilities are available, Base: \$6,600 per season plus 10% of total gross receipts.
D4	Daily (July 4th weekend through Labor Day weekend)	9:30 a.m. to 3:00 p.m.	None - Propane or Gas Powered Generator may be allowed.	10' x 30'	American	Base: \$6,000 per season plus 10% of total gross receipts.
			Utilities must be used once available.			Once utilities are available, Base: \$6,600 per season plus 10% of total gross receipts.
D5	Daily (July 4th weekend through Labor Day weekend)	9:30 a.m. to 3:00 p.m.	None - Propane or Gas Powered Generator may be allowed	10' x 10'	Beach Equipment & Convenience Items	Base: \$6,000 per season plus 10% of total gross receipts.

Area	Minimum Operating Days	Minimum Operating Hours	Utilities Available	Land Area	Menu Offerings	Minimum Bid
G1	Daily (July 4th weekend through Labor Day weekend)	9:30 a.m. to 3:00 p.m.	None - Propane or Gas Powered Generator may be allowed	10' x 15'	American or Ethnic	Base: \$6,000 per season plus 10% of total gross receipts.
G2	Daily (July 4th weekend through Labor Day weekend)	9:30 a.m. to 3:00 p.m.	Utility (electric and water) hookup available	10' x 20'	Dessert	Base: \$6,600 per season plus 10% of total gross receipts.
G3	Daily (July 4th weekend through Labor Day weekend)	9:30 a.m. to 3:00 p.m.	None - Propane or Gas Powered Generator may be allowed	10' x 10'	Beach Equipment & Convenience Items	Base: \$6,000 per season plus 10% of total gross receipts.
E1	Weekends and Holidays	9:30 a.m. to 3:00 p.m.	Utility (electric and water) hookup available	10' x 20'	American or Ethnic	\$5,500 per season
I1	Weekends and Holidays	9:30 a.m. to 3:00 p.m.	Utility (electric and water) hookup available	10' x 20'	Any Menu Choice	\$5,500 per season
Ferry, Lighthouse, Guardian Park, and Horseshoe Cove - (may also move to any area except D and G)	Weekends and Holidays	2:00pm to 8:00 p.m.	No utilities available. Use of generators subject to applicable law.	10' x 20' self contained trucks. No trailers.	Dessert and/or snack items.	\$4,000 per season



Area	Minimum Operating Days	Minimum Operating Hours	Utilities Available	Land Area	Menu Offerings	Minimum Bid
Wednesday Concerts - Area E2	Wednesday Concerts (scheduled TBD) Weather Permitting	4:00 p.m. to 9:00 p.m.	None - Propane or Gas Powered Generator may be allowed	10' x 15'	American or Ethnic	\$4,500 per season
Wednesday Concerts - Area E3	Wednesday Concerts (scheduled TBD) Weather Permitting	4:00 p.m. to 9:00 p.m.	None - Propane or Gas Powered Generator may be allowed	10' x 15'	American or Ethnic	\$4,500 per season
Wednesday Concerts - Area E4	Wednesday Concerts (scheduled TBD) Weather Permitting	4:00 p.m. to 9:00 p.m.	None - Propane or Gas Powered Generator may be allowed	10' x 15'	Dessert	\$4,500 per season

***\*If there is a 50% or more chance of rain or storm determined by National Weather Service, attendance is optional.***

***\*\*Bidders are advised that buildings at Areas D, G, and I may be offered for lease at any time during the next five years.***

### **3. Term of Lease**

The Proposed Lease term may not exceed a maximum term of five (5) years. Leases are not renewable.

### **4. Rent & Other Financial Obligations**

Rent required by the Offered Lease (see its Section 5 for complete terms) is as follows: Total Rent in an amount not less than those identified in the table above. Applicants (also known as Bidders) should indicate on the bid sheet, rent offered. Annual rent payments are due as follows: Half upon lease execution, the remaining half within thirty days of September 30.

### **5. Other Terms and Conditions**

The Offered Lease includes provisions addressing compliance with applicable laws; repair and maintenance obligations; termination; default; and insurance, among others.

## **6. Competitive Process**

This lease opportunity is open to all interested persons on a competitive basis. The bidder submitting a responsive bid offering the highest Annual Rent will be selected for award of the lease subject to a determination of financial capability. A responsive bid is a bid that meets the material terms and conditions of this request for bids. If two or more bids are equal, a lottery drawing between the equal bids shall be used to make the lease award.

## **7. Bid Submission Date**

Bids submitted in response to this RFB must be received by March 17, 2017, by **1:00 p.m.** in the form and at the address stated on the following pages.

## **8. Authority**

This RFB is issued under the authority of federal law and regulation. The applicable law is found at 54 U.S.C. 102102 and leasing regulations may be found in the Code of Federal Regulations at 36 CFR Part 18. This RFB and the Offered Lease are subject to and incorporate all terms and conditions of Part 18 as applicable. In the event of any conflict between the terms of this RFB and Part 18, Part 18 controls.

For further information, please contact:

Business Management Division  
Gateway National Recreation Area  
210 New York Avenue  
Staten Island, NY 10305  
718-354-4665  
E-mail: [gateway\\_bmd@nps.gov](mailto:gateway_bmd@nps.gov)

## **C. Submission of Bid**

### **1. Bid Submission Requirements**

Bid forms must be enclosed in a sealed envelope and received by the Superintendent of Gateway National Recreation Area not later than **March 17, 2017 by 1:00 p.m.** The face of the sealed envelope shall show the bidder's name and address, along with the receiver's address as follows:

**CONTAINS BID -- MAILROOM DO NOT OPEN**

Superintendent  
Gateway National Recreation Area  
210 New York Avenue  
Staten Island, NY 10305  
Attention: Sandy Hook Mobile Operations

Telephonic bids, faxes, e-mail, and other means of transmittal will not be considered. Bid submittals will not be returned.

## 2. NPS Selection

NPS will review all responses to this RFB as follows:

- To be considered responsive, applicants must submit a bid sheet (see Exhibit A) and all additional information identified as required below. Applicants must submit a separate bid sheet for each location at which they wish to operate. Each Applicant may submit no more than two bid sheets (identify your preferred and alternative location on each bid sheet). The applicant must identify the following on the bid sheet:
  - ☐ Indicate which site you are bidding on. Each site within the Beach Area is identified on the map. The type of services to be authorized at each site is identified in Table A.
  - ☐ Indicate if this is your preferred location or alternative location. Applicants are limited to two bids. Applicants may bid on two different sites in the same Beach Area or may bid on one site in two different Beach Areas. However, only two bids will be reviewed for each applicant.
  - ☐ Indicate the total amount of rent offered. The minimum rent for each Beach Area is identified in Table A.
  - ☐ If interested in storage space, indicate which site you are bidding on (up to two), and indicate the total amount of rent offered.
  - ☐ Sign the bid sheet. By signing, the applicant unconditionally agrees to the terms and conditions of the Offered Lease (see Exhibit D).
  - ☐ Applicants must provide the following in order to qualify:
    - ➔ **Financial Information Required** - Completed Exhibits B and C (OMB Control Number 1024-0233).
- Bids will only be considered if received before **1:00 pm. on March 17, 2017**, at the location designated above.
- Bids are expected to be opened publicly at: Gateway National Recreation Area, 210 New York Avenue, Staten Island, New York 10305 at **2:00 p.m. March 28, 2017**. If bidders or their representatives wish to attend the bid opening, please email [gateway\\_bmd@nps.gov](mailto:gateway_bmd@nps.gov). The bidder submitting a responsive bid offering the highest Annual Rent will be selected for award of the Offered Lease (subject to the NPS determining the successful bidder has the financial capability to enter into the Offered Lease as explained below). If two or more bids are equal, a lottery drawing between the equal bids shall be used to make the lease award.
- It is anticipated that the new lease will commence on or before **Memorial Day Weekend, 2017**.

### D. Confidentiality of Bids

If you believe that a bid package contains financial information that you do not want to be made public, please include the following sentence on the cover page of the bid package:

Request for Bids (RFB) - Sandy Hook  
Mobile Food/Beverage and Beach Equipment Services

*“This bid package contains trade secrets and/or confidential commercial and financial information that the Bidder believes to be exempt from disclosure under the Freedom of Information Act. The Bidder requests that this information not be disclosed to the public, except as may be required by law.”*

In addition, you must specifically identify what you consider to be trade secret information or confidential financial information on the page of the bid package on which it appears, and you must include the following sentence on each such page:

*“This page contains trade secrets or confidential commercial and financial information that the Bidder believes to be exempt from disclosure under the Freedom of Information Act, and which is subject to the non-disclosure statement on the first page of this bid package.”*

Information so identified will not be made public by NPS except in accordance with the requirements of applicable law.

**E. Determination of Financial Capability**

Bidders shall include as part of their submission in response to this RFB either Exhibit B (Individual or Business, as applicable) demonstrating financial capability.

The bidder that is determined by the NPS to be the highest responsive bidder (or the successful bidder) may also be subject to background investigations to be conducted by the United States and must comply with same.

**F. Award Process**

The successful bidder must execute and return the final Offered Lease within 30 calendar days after delivery by the NPS. If the successful bidder fails to execute the final lease, the NPS may choose to enter into the Offered Lease with the next responsive highest bidder, or may choose to forego any award without liability or obligation to any person.

***The successful bidder will be required to comply with NPS law, regulation, and policy pertaining to public health. NPS will provide successful bidders with a pre-season orientation pertaining to same.***

The NPS may reject any and all bids in its discretion and re-solicit or cancel a lease solicitation at any time without liability or obligation to any person.

**EXHIBITS:**

<b>Exhibit A:</b>	<b>BID SHEET</b>
<b>Exhibit B:</b>	<b>CREDIT INFORMATION</b> Complete and include one of the following as applicable:
	<b>Identification and Credit Information (Individual)</b> - OMB Control Number 1024-0233
	<b>Identification and Credit Information (Business)</b> - OMB Control Number 1024-0233
<b>Exhibit C:</b>	<b>FINANCIAL INFORMATION</b> <b>Financial Information for Revenue-Producing Uses</b> - OMB Control Number 1024-0233
<b>Exhibit D:</b>	<b>SAMPLE LEASE</b>
<b>Exhibit E:</b>	<b>MAPS</b>